

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

RONALD RENARD THOMAS #20050089846,)
)
Plaintiff,)
)
v.) No. 06 C 1070
)
GREGORY LONGMIRE, et al.,)
)
Defendants.)

MEMORANDUM ORDER

Although the potential problem of nonexhaustion of administrative remedies in this jail detainee's 42 U.S.C. §1983¹ action--a possible deficiency that could bar this action under Section 1997e(a)--was not entirely clear from the outset, defendants' Amended Answer to the Second Amended Complaint ("SAC") brought against them by Ronald Thomas ("Thomas") put that issue into sharp focus. Accordingly this Court issued successive memorandum orders on November 7 and November 21, 2006, which respectively directed Thomas' appointed counsel and then defense counsel to address the issue more fully.

They have now done so, and the December 1 Reply Memorandum filed on defendants' behalf has demonstrated conclusively that their nonexhaustion-of-administrative-remedies defense is well taken. Both the lucid explanations of the available administrative procedures and of Thomas' failure to take

¹ All further references to Title 42's provisions will simply take the form "Section--."

advantage of them, together with defense counsel's citations of directly applicable legal authorities, have made that plain. Moreover, the circumstances of Thomas' case do not appear to call into play the issues posed by the two cases that are now pending before the United States Supreme Court (cases that were identified in the November 21 memorandum order).

Accordingly both the SAC and this action are dismissed, as is called for by Section 1997e(a). But this Court would be remiss if it failed to acknowledge the first-rate quality of legal services that have been provided to Thomas by Kevin Bugos, Esq. and his law firm McKay, Nora, Tanzillo, Daddino & Kott, LLP, counsel appointed from this District Court's trial bar to represent Thomas pro bono publico.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: December 5, 2006